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Self-styled jurist judged able for trial

BY A WASHINGTON TIMES STAFF WRITER

A District man who tried to make a citizen's arrest of a local judge and has issued subpoenas for several high-ranking government officials, yesterday was found mentally competent to stand trial on charges of simple assault and disruption of Congress.

Mr. Harry Zain, 30, is charged with disruption of Congress for an incident in April. Prosecutors claim he walked in on a Congressional meeting and attempted to arrest Adm. Stansfield Turner. A trial on the charge is scheduled for Jan. 31.

In the past, Mr. Zain has attempted to issue arrest warrants for presidential advisers Edwin Meese and Michael Deaver.

Earlier this year Mr. Zain was convicted of unlawful entry when he entered a closed Armed Services Committee hearing and refused to leave when ordered to do so.

Mr. Zain previously had argued that he attended what he believed was an open hearing in an attempt to deliver letters to eight senators informing them of allegations of illegal conduct involving the CIA.

In an attempt to prove his case, Mr. Zain, who serves as his own lawyer, issued subpoenas for CIA Director William Casey, presidential Deputy Press Secretary Larry Speakes and Navy Secretary John Lehman. After an appeal from a congressional staff attorney, D.C. Superior Court Judge Byron Sorrell quashed the subpoenas.

Two months ago, Mr. Zain, who currently is being held in the D.C. jail, attempted to arrest Judge Sorrell while he was sitting on the bench.

Mr. Zain, who claimed Judge Sorrell was part of a CIA plot, was restrained and eventually tackled by marshals attempting to prevent him from reaching the judge.

Since the September incident, Mr. Zain's case has been transferred to Judge Henry Kennedy.

"I believe there is a very thin line between a person who is set in his ways ... and one who has a severe impairment of judgment," Judge Kennedy said yesterday. "I don't think that thin line has been crossed here."

Judge Kennedy also said Mr. Zain, who despite his expressed reluctance, has been under medication, has behaved well at recent hearings.

— David Sellers

ESSAY

His Own Petard By William Safire

WASHINGTON, Nov. 23 — The Frankenstein's monster of the Reagan Administration — an obsession with secrecy that has unleashed the so-called lie detector on 112,000 formerly trusted officials — is now rising to maul its creators.

In his infamous National Security Decision Directive 84, Mr. Reagan directed the F.B.I. to drop its requirement that leak-hunts be related to criminal prosecution, thereby placing F.B.I. agents at the beck and call of bureaucrats wanting to terrorize subordinates without court restraints. He has forced Government workers to give up their rights to refuse to be hooked up to a fearsome and often inaccurate machine; "adverse consequences will follow an employee's refusal to cooperate with a polygraph examination. . . ."

To the President's men, such catering to the boss's predilection for polygraphs must have seemed like a great idea. Now some of them rue the unforeseen consequences:

In the Briefinggate investigation, the F.B.I. has expended over 4,000 man-days to find out who obtained Jimmy Carter's debate briefing book for Mr. Reagan. Friends of White House chief of staff James Baker said that their man was willing to take a lie-detector test but charged that C.I.A. Director William Casey, whom Mr. Baker accused of obtaining the book, was ducking. Under pressure of this challenge (lie detectors at 100 paces) Director Casey allowed as how a polygraph about a three-year-old event would be "demeaning" but he would take it.

In a second episode, the tables were turned. On Aug. 30, President Reagan issued another jeremiad against leaks; not two weeks later, after he decided in the National Security Council to shell Moslem militiamen in Lebanon, that "secret" decision was not leaked but disseminated by a wide variety of Administration sources to all three television networks as well as major newspapers. Oddly furious, the President ordered an all-faucets plumbing operation.

This time it was Mr. Casey who came forward with his arm out, volunteering for the flutter-box test. And this time, according to the Casey camp, it was Mr. Baker who showed great reluctance to be subjected to the procedure he did not find repugnant when it was directed at 111,999 untrustworthy colleagues.

In severity, a three-network leak is equivalent to an Australian three-dog night. The dissemination was top-level, and not from an N.S.C. secretary cleared for Sensitive Compartmented Information who would blub-

ber a confession at the heart-stopping sight of a lie detector. "The Ship of State," Walt Rostow is supposed to have said, "is the only vessel that leaks from the top."

Here is an Administration that has enshrined the lie detector, which is a device to measure nervousness, not truth, and is regarded with such suspicion by scientists that its results are not admissible as evidence in the Federal courts. Here are two of the nation's highest officials, each convinced that the other is a liar. Here is the President, who has removed the F.B.I.'s previous requirement that criminal prosecution be the goal of any leak investigation, saying "Find the leaker!"

What would you do if you were William Webster, Director of the F.B.I.? If you were a weak lawman, eager to please the President, you would "flutter" every suspect in both investigations and publicly pillory the first person to break into a sweat. On the other hand, if you remembered the demoralized state of the F.B.I. when you took it over, you would refuse to be stampeded into abusing investigative techniques that could ruin reputations without establishing guilt.

The so-called lie detector is a civil-liberties abomination; NSDD 84 is a disgrace to conservative principle; its author, Deputy Assistant Attorney General Richard Willard, is one of those earnest, clean-cut young fellows in the grand tradition of Tom Charles Huston, who in revering security subverts the Constitution.

Poetic justice abounds in the notion of the President's men being the first to suffer from the President's obsession. That same petard is hoisting former C.I.A. chief Stansfield Turner, perpetrator of its Publication Review Board, who is now having fits clearing his own book, "Revolution in Spying," with C.I.A. censors emboldened by NSDD 84: they will not even let him confirm revelations already made by Presidents Carter and Reagan.

Mr. Reagan should stop this lie-detector mania before he requires himself to attach a box with its jumping needle to his own arm during press conferences. If he does not trust his closest associates, he should confront them or fire them, and not let his suspicion send a chill through tens of thousands of public servants with security clearances.

He cannot set a double standard for security, exempting high-level suspects and fluttering civil-service secretaries; rather than forcing Mr. Baker to take a test that too often brands truth-tellers as liars, he should scrap the damnable procedure.

WASHINGTON POST
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Halloween is also a special CIA anniversary. Six years ago Adm. Stansfield Turner, then director, fired some 250 of the old boys there and eventually eliminated some 800 positions. It became known as the "Halloween Massacre," and Washington author David Wise has memorialized that event by the official publication today of his fast-paced, exciting new novel, "The Children's Game." In the book, which has already received rave reviews and is selling well, Wise takes his readers deep into the Langley cotton candy machine with an old spy forced back into the game who uncovers a plot of those fired old boys attempting to take over the agency.

One never knows what to expect from a former CIA director. William Colby, who directed the agency under two presidents, said at the University of Virginia in Charlottesville this weekend that as "an old cold warrior" he is now committed to a nuclear freeze. He said nuclear weapons are "unusable," the arms race is "unwinnable," unilateral restraint is "unworkable" and a world shadowed by nuclear threat is "unlivable." Colby said a nuclear freeze would be easier to monitor than a more detailed arms limitation agreement. "Can't we come up with a simpler statement?" he said. "Yes, let's just stop building new weapons."